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**Before the
Federal Communications Commission
Washington, D.C.**

In the Matter of)	
)	
Amendment of Section 73.622(b) of)	MM Docket No. 01-334
The Commission's Rules, DTV)	RM No. 10343
Table of Allotments)	
(Green Bay ,Wisconsin))	

To: The Chief, Allocations Branch:

REPLY COMMENTS

1. CBS Broadcasting, Inc. ("CBS"), the licensee of television station WFRV-TV, Green Bay, Wisconsin, hereby submits reply comments in support of the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding.

2. CBS is the licensee of WFRV-TV, Green Bay, Wisconsin, which currently operates on NTSC Channel 5. On August 6, 2001, CBS filed with the Commission a petition for rulemaking ("petition") to amend the Table of Allotments for the Digital Television ("DTV") service to change the DTV channel allotment for station WFRV-DT from Channel 56 to Channel 39. Therein, CBS noted that Channel 56 is outside the core television spectrum as adopted by the Commission and that, as a result, CBS would eventually need to transition WFRV-DT to a channel within the future core television spectrum. Such a transition would delay the availability of spectrum occupied by DTV Channel 56 for use by new services. Because a suitable channel is currently available within the future core television spectrum, CBS proposed to amend the DTV Table of Allotments to substitute Channel 39 in place of Channel 56 at Green Bay, Wisconsin, for use by WFRV-DT. In support of its petition, CBS submitted an engineering exhibit prepared by Denny & Associates, P.C., which demonstrated that the requested DTV

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Channel 39 allotment facilities for WFRV-DT was in full compliance with the Commission's rules and regulations.

3. On December 14, 2001, the Commission released a Notice of Proposed Rulemaking ("NPRM") seeking comment on WFRV-DT's proposed channel change. On December 17, 2002, CBS submitted comments in support of the proposed channel change as set forth in the NPRM. On February 4, 2002, the Wisconsin Educational Communications Board ("WECB"), licensee of station WPNE(TV), Channel 38, Green Bay, Wisconsin, filed comments in opposition to the proposal set forth in the NPRM.

4. In its comments, WECB maintains that WFRV-TV's proposed operation on Channel 39 would cause impermissible interference to WPNE(TV). WECB appears to base its belief that interference would be caused to WPNE(TV), at least in part, due to its assertion that "many of the viewers of Wisconsin Public Television programming utilize older TV sets that are highly susceptible to adjacent channel interference." WECB also claims that WFRV-DT's operation on Channel 39 would cause interference to two other television stations, WZZM-DT, Grand Rapids, Michigan, and WQRF-DT, Rockford, Illinois, and would be short-spaced to a new facility in Marshfield, Illinois. In addition, WECB contends that permitting two different entities to be licensees on adjacent channels would make coordination of facility upgrades and/or site locations difficult if not impossible.

5. As fully explained in the attached engineering exhibit by Denny and Associates, P.C., the objections set forth by WECB in its comments with respect to interference are either unsupported, based on engineering calculations that overstate interference from WFRV-DT's proposed operation on Channel 39, or otherwise do not constitute a legitimate basis upon which to deny WFRV-DT's proposed operation on

Channel 39. The engineering studies submitted by CBS in support of WFRV-DT's proposed operation on Channel 39 herein, as well as in CBS' previous pleadings in this proceeding, were all conducted in full conformance with the FCC Office of Engineering Technology, Bulletin 69, Longley-Rice Methodology for Evaluating TV Coverage and Interference ("OET Bulletin 69"). The calculations made in support of WECB's comments, however, do not appear to be in conformance with OET Bulletin 69, which in all likelihood, accounts for WECB's erroneous conclusions with respect to WFRV-DT's proposed operation on Channel 39.

6. Nor does WECB's assertion with respect to viewers of its programming purportedly possessing older TV sets constitute a basis upon which to not adopt WFRV-DT's proposal. First, this contention is totally unsupported. Second, even if it were true, the Commission developed interference protection standards through extensive test programs conducted by the FCC Advisory Committee on Advanced Television Service ("ACATS") and carried out by the Advanced Television Test Center. The Commission would be remiss to consider modifying these planning factors on a case-by-case basis. Finally, with respect to WECB's concern that future coordination of facility upgrades and/or site locations would be jeopardized should the Commission award Channel 39 for WFRV-DT's use, CBS reaffirms its willingness to cooperate on such matters.

7. In light of the above, WECB has not demonstrated that the allotment of Channel 39 for WFRV-DT's use would be either inconsistent with the Commission's rules or the public interest. In contrast, CBS has demonstrated that its proposed substitution of Channel 39 for Channel 56 for WFRV-DT is fully consistent with

Commission rules and will help facilitate an efficient use of Commission spectrum. Accordingly, CBS respectfully requests that the Commission adopt the proposal as set forth in the NPRM and amend the DTV Table of Allotments to allot and assign DTV Channel 39 (in lieu of Channel 56) to Green Bay, Wisconsin, for use by WFRV-DT.

Respectfully submitted,
CBS Broadcasting, Inc.

By: Raymond A. White
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February 8, 2002

CERTIFICATE OF SERVICE

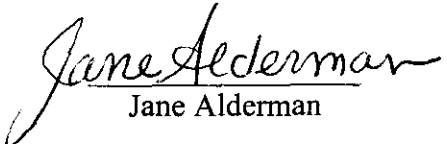
I, Jane Alderman, hereby certify that I have on this 8th day of February, 2002 caused a copy of the foregoing "**COUNTERPROPOSAL**" to be served by hand delivery, upon the following:

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Jane Alderman

**ENGINEERING EXHIBIT
IN SUPPORT OF COMMENTS OF
CBS BROADCASTING, INC.
MASS MEDIA DOCKET NUMBER 01-334
AMENDMENT OF SECTION 73.622(b),
TABLE OF ALLOTMENTS,
DIGITAL TELEVISION BROADCAST STATIONS
GREEN BAY, WISCONSIN**

ENGINEERING STATEMENT

INTRODUCTION

This Engineering Exhibit has been prepared on behalf of CBS Broadcasting, Inc. (herein CBS), licensee of television station WFRV, Green Bay, Wisconsin, in support of reply comments in Mass Media Docket Number 01-334 to address the objections of the Wisconsin Educational Communications Board (herein WECB). As reflected in the Notice of Proposed Rule Making, CBS has requested the substitution of DTV channel 39 in lieu of DTV channel 56 at Green Bay for use by WFRV-DT. CBS has further requested facilities of 1,000 kilowatts maximum average effective radiated power (ERP) and 364 meters antenna radiation center height above average terrain for the channel 39 DTV allotment.

WECB claims in the supporting Engineering Statement of Evans Associates that the allotment of channel 39 at Green Bay, will cause extensive interference to the first adjacent channel operation of WPNE, channel 38, Green Bay, Wisconsin, and other stations. However, these claims appear to be based on engineering calculations which were not made in full conformance with FCC Office of Engineering Technology, Bulletin 69, *Longley-Rice Methodology for Evaluating TV Coverage and Interference*. Regardless, the WECB studies show that predicted interference from the proposed channel 39 DTV allotment

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to WPNE would constitute only 1.7 percent of the WPNE baseline population and thus would comply with the *de minimis* interference provisions of the FCC Rules.

In the engineering studies made to support the CBS Petition for Rule Making, the undersigned employed the FCC TV_Process program. This software was developed by the FCC for studying television applications and proposed rule makings. TV_Process conducts interference studies in conformance with OET Bulletin 69 and employs facility data from the latest public extract of the Mass Media Bureau's Consolidated Database System (CDBS). This software is widely used by engineering firms for studying the impact of new DTV facilities. Denny & Associates, P.C. has made an extensive effort to implement the TV_Process software to achieve results virtually identical to the FCC. It is well known that other software implementations of Bulletin 69 sometimes yield widely differing results from those produced by TV_Process.

Interference to WPNE, Channel 38, Green Bay, Wisconsin

WECB claims that viewers of WPNE utilize older television sets that are more susceptible to first adjacent channel interference, but WECB provides no empirical data on receivers to support their claim. The desired-to-undesired (D/U) field strength ratios adopted in the FCC Rules are based the results of an extensive engineering test program developed by the FCC Advisory Committee on Advanced Television Service (ACATS) and carried out by the Advanced

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Television Test Center (ATTC). In light of the extensive engineering testing conducted in support of developing the allocation planning factors for DTV, the FCC would be remiss to consider modifying these planning factors on a case-by-case basis.

As indicted earlier, WECB's claims of extensive interference are refuted by their own calculations, which predict interference to only 1.7 percent of the WPNE baseline population. We have examined the results of our calculations and have found no reason to doubt their legitimacy. Our studies indicate that the authorized WPNE operation is predicted to receive interference to only 4,651 persons or 0.6 percent of the WPNE baseline population of 747,195 persons. Considering either calculation result, the proposed allotment of DTV channel 39 to Green Bay would comply with the FCC's *de minimis* interference rules with respect to WPNE.

WECB also claims that a grant of CBS's request would create an extreme operational burden on WPNE to maintain its visual carrier frequency 5.082138 megahertz (MHz) below the WFRV-DT digital pilot carrier in accordance with Section 73.622(g)(1) of the FCC Rules. However, Section 73.622(g)(1) states that:

DTV stations operating on a channel allotment designated with a "c" in paragraph (b) of this section must maintain the pilot carrier frequency of the DTV signal 5.082138 MHz above the visual carrier frequency of any analog TV broadcast station that operates on the lower adjacent channel and is located within 88 kilometers. This frequency difference must be maintained within a tolerance of ± 3 Hz.

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The rule part clearly indicates that the burden for maintaining the offset lies with the DTV station. CBS has indicated that they do not object to a "c" designation being placed on the DTV channel 39 allotment. This would require CBS to comply with section 73.622(g)(1) to minimize the potential for interference to WPNE.

Restrictions on the use of channel 38 for WPNE

WECB claims that restrictions would be placed on the future relocation of WPNE and that allocation of DTV channel 39 to Green Bay may restrict the use of channel 38 for future WPNE DTV operations but provides no support for any future need to significantly relocate WPNE. WPNE is substantially collocated with several other stations licensed to Green Bay and is located within 9 kilometers of all the TV stations licensed to Green Bay.

Additionally, there is no evidence to suggest that channel 38 could not be used in the future for WPNE DTV operations. A study conducted assuming the existing WPNE DTV facilities with an ERP of 500 kilowatts on channel 38 predicts that only 633 people or 0.06 percent of the channel 39 DTV Service population of 1,003,687 persons will receive interference. Regardless, WECB has not indicated why this would ever be necessary. The DTV allotment for WPNE is on channel 42, which is within the future core television spectrum.

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Short spacing to Marshfield, Wisconsin, channel 39

WECB claims that the proposed DTV channel 39 allotment to Green Bay would be short spaced to a pending cochannel application for Marshfield, Wisconsin, FCC File Number, BPCT-19960220KF, by 4.8 kilometers. However, the DTV spacing requirements of Section 73.623(d)(2) of the FCC Rules apply only to new DTV allotments or modifications to allotments not included in the initial DTV Table. CBS is requesting a modification to a DTV allotment that was included in the initial DTV Table. Therefore, the spacing requirements do not apply. Regardless, the interference studies made in support of the petition for rule making indicate that no interference is predicted to the proposed channel 39 operation at Marshfield.

Interference to WZZM-DT, Grand Rapids, Michigan

WECB claims that the proposed channel 39 DTV allotment will result in more than the permitted *de minimis* interference to WZZM-DT, channel 39, Grand Rapids, Michigan. However, all that WECB provides is a statement that interference will equal 2.5 percent of the WZZM-DT population. Since WECB has not indicated the number of people they predict will be affected, it is impossible to verify their studies. Our engineering studies made using the FCC TV_Process program indicate that interference is predicted to result to 20,546 persons which constitutes 1.7 percent of the WZZM-DT baseline population of 1,233,082 persons.

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Interference to WQRF-DT, Rockford, Illinois

Similarly, WECB claims that interference will result to 4.1 percent of the population within the WQRF-TV service area. Again, WECB has not provided the population figures to support their claims. Our interference studies indicate that 11,694 persons or 1.7 percent of the WQRF-DT baseline population of 691,379 persons are predicted to receive interference from the proposed channel 39 DTV allotment.

CONCLUSIONS

The proposed allotment of DTV channel 39 at Green Bay, Wisconsin can be made in full conformance with FCC Rules. The objections of WECB are without merit and are based on engineering calculations that apparently overstate predicted interference from the proposed channel 39 DTV allotment. In an effort to minimize the potential for interference to WPNE, CBS has indicated it will comply with the precise frequency control requirements of Section 73.622(g)(1).



Alan R. Rosner, P.E.

February 7, 2002

